

Morton Corn, Ph.D. - May 29, 2003

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re: * Chapter 11
*
W. R. GRACE & CO., et al., * Case No. 01-01139 (JKF)
*
Debtors. * (Jointly Administered)
*

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Deposition of MORTON CORN, Ph.D., B.Ch.E., CSP
Linthicum, Maryland
Thursday, May 29, 2003
9:08 a.m.

COPY

Job No.: 1-17366
Pages: 1 - 203
Reported by: Marianne R. Hewitt

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1 Q. And in that building, am I correct, that you
2 looked at thousands of air samples that had been taken
3 from just that one building?

4 A. I don't recall that there were that many
5 samples to that building.

6 Q. Do you recall that --

7 A. I can't rule it out but that doesn't stand
8 out in my mind, no.

9 Q. Do you recall that there was extensive air
10 sampling done in that building?

11 A. Yes, I had air sampling results.

12 Q. Okay. When was your last involvement that
13 you recall in what I'll call a traditional asbestos
14 building, a case like this Solow case?

15 A. There hasn't been such a case for several
16 years.

17 Q. Was the Solow case the last case you remember
18 being involved in, at least by way of testifying?

19 A. That may well be the last case of a building,
20 and I can't recall the year on that.

21 Q. And then I saw some prior testimony you gave
22 in the West Coast case about ZAI. I think you said you
23 were contacted by Mr. Finke, who is sitting here, in
24 June of 2000 about the ZAI issue?

25 A. In the Barbanti --

1 Q. Yeah.

2 A. -- case in Spokane, yes.

3 Q. Okay. And at the time you were contacted by
4 Mr. Finke your knowledge of ZAI was essentially zero.

5 A. That's correct.

6 Q. Okay. And, in fact, you didn't even know the
7 product existed as ZAI.

8 A. That's correct. I knew of vermiculite, but I
9 did not know of ZAI.

10 Q. Okay. And since June of 2000 until today
11 you've been on a type of learning curve about ZAI.

12 A. Yes, that's a fair way to put it.

13 Q. Okay. Are you familiar with the different
14 Libby ore sizes that were used to make ZAI?

15 A. No.

16 Q. Okay. Have you heard the term or have you
17 seen the term Libby One, Libby Two and Libby Three?

18 A. I've seen them referred to in some of the
19 case-specific material I've been through.

20 Q. Do you know what Libby One versus Libby Three
21 meant?

22 A. No.

23 Q. Okay. Do you have in mind any differences in
24 testing for asbestos content from Libby One versus
25 Libby Three?

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1 friable material.

2 A. Yes.

3 Q. All right. In fact, it's probably on the
4 high end of the Corn friability scale, isn't it?

5 A. Yes, it's highly friable.

6 Q. Okay. And have you ever seen fiber levels
7 such as even Dr. Lees has got in his report from a
8 material that by bulk content had such a small
9 percentage of asbestos?

10 A. I'm not following your question.

11 Q. All right. Have you ever seen airborne
12 levels of asbestos in the range of what the Lees report
13 reports for a product that has such a small, relatively
14 small percentage of asbestos in the bulk product?

15 A. I don't think I've seen data for products
16 with very low percentages of asbestos. I'm trying to
17 think of products I've encountered, they don't come
18 immediately to mind.

19 Q. You remember Monokote, don't you?

20 A. Yeah.

21 Q. How could we forget? And have you had
22 occasion to compare the exposure levels measured by
23 Grace on Monokote application versus the exposure
24 levels measured by Grace on ZAI application?

25 A. I've never made such a comparison. And these

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1 I can't even remember what it was, but I know
2 I got pretty upset over something for a year or two.

3 Q. Okay. Now, let's talk for a minute about
4 buildings you've done work in the past and the homes
5 that have ZAI.

6 Did any of your prior work in the asbestos
7 and building litigation involve homes, or was it all
8 schools, commercial buildings, that type of thing?

9 A. I don't think there was a home in any of
10 that -- any of that work.

11 Q. All right. Dr. Corn, do you agree that a
12 person's home and people's homes in general have a
13 special place in our society?

14 A. I think it's a -- the answer is yes, it's a
15 very great characteristic of this country that a
16 homeowner should be so high and homes do have a special
17 place.

18 Q. There are certain rights we have in our homes
19 that we don't have elsewhere, correct?

20 A. Do you mean legal rights?

21 Q. Well, I want to talk about safety rights.

22 A. I really don't understand that question.

23 Q. Okay. For instance, when you go to a place
24 of business like this, we're in a place of business, we
25 know that we have no right to lock the exit doors,